

Rec# 59403

46

**UNITED STATES DISTRICT COURT
DISTRICT OF EASTERN MICHIGAN**

**Yong Yang;
Hui Zhang**

Plaintiffs

V.

**Michael Chertoff, Secretary of the Department of
Homeland Security;
Emilio T Gonzales, Director of U.S. Citizen and
Immigration Services;
Robert S. Mueller, III, Director of Federal Bureau of
Investigation**

Defendants

Case: 2:07-cv-14970
Judge: Lawson, David M
Referral MJ: Majzoub, Mona K
Filed: 11-21-2007 At 09:11 AM
CMP YANG ET AL VS DEPT HOMLAND SECUR
RITY ET AL (LH)

**PLAINTIFFS' ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE OF
MANDAMUS & DECLARATORY JUDGEMENT**

NOW come the Plaintiffs, Yong Yang and Hui Zhang, by and through Pro Se, in the above-captioned matter, and hereby states as follows:

1. This action is brought against the Defendants to compel action on the clearly delayed processing of the I-485 Applications filed by the Plaintiffs, Yong Yang and Hui Zhang. The applications were filed and remain within the jurisdiction of the Defendants, who have improperly handled and delayed processing the applications to Plaintiffs' detriment.

PARTIES

2. Plaintiff, Yong Yang, resides at 38647 Sturbridge Drive, Sterling Heights, MI 48310, alien number A097 614 031, is the primary applicant of an I-485, Application to Register Permanent Resident (or Adjustment of Status) along with his wife, Plaintiff, Hui Zhang, resides too at 38647 Sturbridge Drive, Sterling Heights, MI 48310, alien number A097

614 032, as the derivative beneficiary, filed with the USCIS on January 15, 2004.

3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC § 1103(a). More specifically, the Secretary of the Department of Homeland Security is responsible for the adjudication of applications for nonimmigrant visas filed pursuant to the Immigration and Nationality Act (INA). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security to whom the Secretary of the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.
4. Defendant Emilio T Gonzales is the Director of the U.S Citizenship & Immigration Services (USCIS) and an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR § 103.1(g)(2)(ii)(B).
5. Defendant Robert S. Mueller, III, Director of Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of State and the U.S Citizenship & Immigration Services. As will be shown, Defendant has failed to complete the security clearances of Plaintiff's cases.

JURISDICTION

6. Jurisdiction in this case is proper under 28 USC §§ 1391 and 1361, 5 USC §701 et seq., and 28 USC §2201 et seq. Relief is requested pursuant to said statutes.

VENUE

7. Venue is proper in this court, pursuant to 28 USC §1391(e), in that Plaintiff may request a hearing on the matter in the District where Plaintiffs reside.

EXHAUSTION OF REMEDIES

1. The Plaintiffs have exhausted their administrative remedies. The Plaintiffs have supplied the USCIS and FBI documents that clearly establish their eligibility to Register Permanent Resident or Adjust Status. The Plaintiffs also keep contacting USCIS and FBI and seeking assistants from Senators, Congressman, USCIS Ombudsman, and even First

Lady Laura Bush to try to get it solved. However, as the date of this filing, 3 years and 10 months have passed and plaintiffs' cases are still pending.

CAUSE OF ACTION

2. Plaintiffs properly filed and applied through the primary applicant's employer for I-485, Application to Register Permanent Resident (or Adjustment of Status), pursuant to Section 245 of the Immigration & Naturalization Act on January 15, 2004. Attached hereto as **Exhibit A** are acknowledgement documents by the USCIS.
3. These petitions along with an I-140 approval and supporting documentation were filed by the plaintiffs, Yong Yang and Hui Zhang, through Yong's company lawyer on January 15, 2004. Since then, plaintiffs have already been through 4 Fingerprinting processes and submitted to USCIS when they were filed in 2004, 2005, 2006, and 2007. Plaintiff, Yong Yang, has already used 4 EAD (Employment Authorization Department) cards and 3 Travel Parole (called "Advanced Parole") Applications that were granted to him by USCIS. As of today, he has applied the 5th EAD and the 4th Advanced Parole. Meanwhile, Plaintiff, Hui Zhang, has applied 2 EAD cards and 1 Advanced Parole.
4. Since September 9, 2005, Plaintiffs have been contacting USCIS many times about the case status to figure out why the processing of their cases has been delayed. But they have not yet received any definitive responses or relief.
5. Concerned about his application and that of derivative beneficiary, on September 9, 2005, Plaintiff, Yong Yang, called USCIS Nebraska Service Center inquiring about his and his wife's cases and the reason for them being outside processing time. The USCIS Nebraska Service Center on September 10, 2005 replied to this inquiry and mentioned that these cases were under security checks. Attached hereto as **Exhibit B**.
6. Based on the reply in **Exhibit B**, Plaintiff requested Senator's assistances from the offices of Sen. Carl Levin and Sen. Debbie Stabenow to follow up on the cases.
7. Plaintiffs sent letter to Sen. Carl Levin asking for his help on checking their cases with USCIS. The office of Sen. Levin initiated an inquiry and on March 09, 2006 received a reply from USCIS Nebraska Service Center. It revealed that the FBI name check on the plaintiff Yong has not been completed. Attached hereto as **Exhibit C**.
8. Plaintiffs also sent letter to Sen. Debbie Stabenow asking for her help. The office of Sen. Stabenow initiated an inquiry and on April 19, 2006 received a reply from USCIS District Director Carol Jennifer. It revealed that the FBI name check on the plaintiff Yong Yang was requested on January 29, 2004 and has not been completed. Further more, the office of Sen. Stabenow also contacted the FBI regarding the name check and on June 9, 2006 forward the plaintiffs the reply from the FBI's National Name Check Program. This reply confirmed that the request for name check on Plaintiff Yong Yang was received on

January 29, 2004 from USCIS and it was pending. Attached hereto as **Exhibit D**.

9. On April 17, 2006 plaintiff, Yong Yang, called USCIS Nebraska Service Center again inquiring about his and his wife's cases and the reason for them being outside processing time. The USCIS Nebraska Service Center on April 18, 2006 replied to this inquiry and said that they had to perform additional review and this had caused a longer processing time. Attached hereto as **Exhibit E**.
10. Four months later, on August 14, 2006, plaintiff, Yong Yang, called USCIS Nebraska Service Center again inquiring about the status of his and his wife's cases. The USCIS Nebraska Service Center on August 15, 2006 replied to this inquiry and said that the required investigation into plaintiff Yong Yang's background remained open. Attached hereto as **Exhibit F**.
11. In August 2006, Plaintiff Yong Yang started to seek assistance from the office of Congressman Sander Levin, who is the congressional representative for the district that plaintiffs live in. On September 1, 2006 plaintiff Yong Yang received an e-mail from Congressman Sander Levin's office saying that they faxed a letter to the FBI to ask for a status update and will contact plaintiff Yong Yang if any information is received. However, plaintiffs never received any further information from them. Attached hereto as **Exhibit G**.
12. On October 4, 2006, Plaintiff Yong Yang faxed a letter to Sen. Carl Levin requesting him to check their name check status with FBI. The office of Sen. Levin did and on November 21, 2006 sent a letter to plaintiff Yong Yang. It said that the FBI name check was still pending on plaintiff Yong Yang and the senator was unable to expedite name checks. Attached hereto as **Exhibit H**.
13. On December 7, 2006, Plaintiff Yong Yang called USCIS Nebraska Service Center again inquiring about his case and the reason for them being outside processing time. The USCIS Nebraska Service Center on December 8, 2006 replied via e-mail to this inquiry and said that the required investigation into Plaintiff Yong Yang's background remains open. Attached hereto as **Exhibit I**.
14. Realized contacting USCIS is not improving the process of their cases, Plaintiff Yong Yang on December 15, 2006 sent a letter to the USCIS Ombudsman for assistance. On January 5, 2007, the USCIS Ombudsman reply a letter saying he initiated a formal inquiry with USCIS and USCIS should response within forty-five days. Attached hereto as **Exhibit J**.
15. However, by February 22, 2007 forty-five days have passed, Plaintiffs still have not received any response from USCIS. So, Plaintiff Yong Yang wrote the USCIS Ombudsman to complain about it. On March 12, 2007, Plaintiff Yong Yang received a reply from the USCIS Ombudsman. This letter was in reply to Plaintiff's complaint about USCIS. It said they have initiated a second inquiry with USCIS. On March 14, 2007, the

USCIS Headquarter sent Plaintiff Yong Yang a reply regarding the case status. According to it, the case is still pending. Attached hereto as **Exhibit K**.

16. Meanwhile, on February 26, 2007, Plaintiff Yong Yang called USCIS Nebraska Service Center again inquiring the status of his and his wife's cases. The USCIS Nebraska Service Center on February 27, 2007 replied to this inquiry and said that the required investigation into Plaintiff Yong Yang's background remains open and the application had been delayed. Defendants have shown no signs of assistance in any way or form to assist in the Plaintiffs' issue. Defendants have truly no interest in adjudicating the Plaintiffs' cases anytime soon. Attached hereto as **Exhibit L**.
17. On May 22, 2007. Plaintiffs, Yong Yang and Hui Zhang, went to the USCIS Detroit local office to inquiry about their cases. However, the immigration officer declined to provide more information, and only said the plaintiffs' cases are in Nebraska Service Center, not in local office. Attached hereto as **Exhibit M**.
18. Hearing that contacting the First Lady Laura Bush might help, Plaintiffs, Yong Yang and Hui Zhang, On May 23, 2007 wrote the First Lady Laura Bush requesting her help on contacting the FBI. Two months later, on July 26, 2007, the FBI replied the Plaintiff Yong Yang in a letter. In the letter, the FBI said Plaintiff Hui Zhang's name check request was processed and finalized on October 4, 2004, but Plaintiff Yong Yang's name check request was still pending. Attached hereto as **Exhibit N**.
19. On May 29, 2007, the USCIS announced that starting from July 30, 2007 it will raise the fees for most of the immigration applications. According to the new fee schedule, the application fee for EAD (I-765) renewal will increase from \$180 to \$340 and the application fee for Advanced Parole (I-131) renewal will increase from \$170 to \$305. Given the fact that Plaintiffs have to renew these applications annually, the financial burden has dramatically increased.
20. On June 19, 2007, Plaintiff Yong Yang called USCIS Nebraska Service Center again inquiring the status of his case. The USCIS Nebraska Service Center on July 3, 2007 replied to this inquiry and said that the required investigation into Plaintiff Yong Yang's background remains open and the application had been delayed. This is the exactly same answer they have been giving to Plaintiffs many times. Defendants have shown no signs of assistance in any way or form to assist in the Plaintiffs' issue. Attached hereto as **Exhibit O**.
21. The Plaintiffs have been greatly damaged by the failure of Defendants to act in accord with their duties under the law.
 - a. Specifically, Plaintiff Yong Yang and his derivative beneficiary, Hui Zhang, have been unable to obtain legal permanent residence, travel and work without restriction and accrue time to be eligible for Naturalization as a citizen of the United States.
 - b. Plaintiff Hui Zhang, currently unemployed, has found that it is hard for her to plan

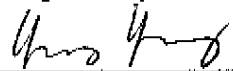
- her education in US because she has to pay the much higher international tuitions without permanent resident status. It is hard for her to make any career planning.
- c. Plaintiff Yong Yang, currently employed by Siemens UGS PLM Software, has found it hard for him to make any career planning because of the non-permanent-resident status.

22. The Defendants, in violation of the Administrative Procedures Act, 5 USC §701 et seq., are unlawfully withholding action on the Plaintiffs' applications and have failed to carry out the adjudicative functions delegated to them by law with regards to the Plaintiffs' cases. Defendants have not even setup any interview with the Plaintiffs since the filing of the I-485 applications on January 15, 2004.
23. Though the role of Defendants is pivotal in securing the civilians of the United States of America from people planning to do harm on American soil, the Defendants actions in adjudicating the Plaintiffs' cases have clearly gone beyond the expected 570 to 600 days processing time they promised on the I-485 receipts. Plaintiffs' cases have been pending for over 1400 days by now.
24. The defendants have failed to properly adjudicate this petition. They have failed to adhere to their own regulations and have improperly delayed the processing of the Plaintiffs' I-485 Applications after the Plaintiffs had submitted properly executed applications. It has been 46 months since the Plaintiffs have filed their I-485 applications.
25. Defendants have sufficient information to determine Plaintiffs' eligibility pursuant to applicable requirements and complete the processing procedures. The Plaintiffs have done everything to get their cases adjudicated but the Defendants have clearly not given the Plaintiffs any form of relief.
26. Defendants' delay in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have inappropriately refused to adjudicate the petition, thereby depriving them of the rights to which the Plaintiff and derivative beneficiary are entitled.

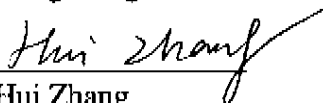
PRAYER

27. WHEREFORE, in view of the arguments and authority noted herein, the Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:
- a. requiring Defendants to immediately adjudicate Plaintiffs' applications for action on approved petitions;
 - b. requiring Defendants to provide the Plaintiffs with Notice of Approvals;
 - c. granting such other relief at law and in equity as justice may require.

Respectfully Submitted,



Yong Yang



Hui Zhang

Petitioners, **PRO SE**

38647 Sturbridge Drive

Sterling Heights, MI 48310

Telephone (586)979-8823

Facsimile (248)455-0001

hyyz@yahoo.com

EXHIBIT A

USCIS Receipt Notices

**USCIS Nebraska Service Center
Processing date posted January 15, 2004**

UNITED STATES OF AMERICA

RECEIPT LIN-04-072-52938		CASE FILE 1485 — APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 15, 2004	PRIORITY DATE	APPLICANT A97 614 031 YANG, YONG
NOTICE DATE January 16, 2004	PAGE 1 of 1	

STEVEN M. LADIK ESQ
JENKENS & GILCHRIST PC
1445 ROSS AVENUE SUITE 3200
DALLAS TX 75202

Notice Type: Receipt Notice

Amount received: \$ 305.00
Section: Adjustment as direct
beneficiary of immigrant
petition

The above application or petition has been received. It usually takes 570 to 600 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number 800-375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.bcis.gov. On our web site you can get-up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NEBRASKA SERVICE CENTER
U. S. IMMIG. & NATZ. SERVICE
P.O. BOX 82521
LINCOLN NE 68501-2521
Customer Service Telephone: 800-375-5283



THE UNITED STATES OF AMERICA

RECEIPT NUMBER LIN-04-072-52966		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE January 15, 2004	PRIORITY DATE	APPLICANT A97 614 032 ZHANG, HUI
NOTICE DATE January 16, 2004	PAGE 1 of 1	

STEVEN M. LADIK ESQ
JENKENS & GILCHRIST PC
1445 ROSS AVENUE SUITE 3200
DALLAS TX 75202

Notice Type: Receipt Notice

Amount received: \$ 305.00

Section: Derivative adjustment

The above application or petition has been received. It usually takes 570 to 600 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number 800-375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.bcis.gov. On our web site you can get-up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NEBRASKA SERVICE CENTER
U. S. IMMIG. & NATZ. SERVICE
P.O. BOX 82521
LINCOLN NE 68501-2521
Customer Service Telephone: 800-375-5283



EXHIBIT B

USCIS Letter regarding case status inquiry

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Saturday, September 10, 2005

YONG YANG
38647 STURBRIDGE DR
STERLING HEIGHTS MI 48310

Dear YONG YANG:

On 09/09/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/15/2004
Receipt #:	LIN-04-072-52938
Beneficiary (if you filed for someone else):	YANG, YONG
Your USCIS Account Number (A-number):	A097614031
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

In processing applications for immigration benefits, the United States Citizenship and Immigration Service is making national security our top priority. USCIS has added security checks to the processing of all applications to help ensure that those who receive immigration benefits have come to join the American people in building a better society and not to do harm to them. But whatever short-term impact these additional checks will have on processing will not interfere with the Administration's long-term goal of eliminating processing backlogs and meeting a six-month processing standard for all immigration benefit applications. The employees of USCIS are committed to address our nation's security needs while also maintaining our country's openness to those who seek the freedom and opportunity that the United States has to offer. LIN 04 072 52938 and LIN 04 072 52966 are currently undergoing such checks. Please allow more time. The address did not need changing.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT C

Letter from Senator Carl Levin regarding case status

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-2202

March 14, 2006

Mr. Yong Yang
38647 Sturbridge Dr
Sterling Heights, MI 48310

Dear Mr. Yang:

I am writing to provide you with information regarding your concerns with the U.S. Citizenship and Immigration Services.

Enclosed is the response that I received from the Nebraska Service Center. As you will note, your case will be adjudicated once the mandatory Federal Bureau of Investigation name check is completed. Please contact my aide, Lisa Weinstein, in my Detroit office with any additional questions or concerns.

I appreciate you sharing this matter with me.

Sincerely,


Carl Levin

CL:lw
Enclosure

STATE OFFICES

DETROIT
477 MICHIGAN AVENUE
SUITE 1900
DETROIT, MI 48226
(313) 224-6020

LANSING
524 LUDINGTON STREET
SUITE 11-110
Escanaba, MI 49829
(906) 789-0052

GRAND RAPIDS
FEDERAL BUILDING
SUITE 720
110 MICHIGAN STREET, N.W.
GRAND RAPIDS, MI 49503
(616) 456-2531

LANSING
124 WEST ALLEGAN STREET
SUITE 1810
LANSING, MI 48903
(517) 377-1508

SACINAW
ROOM 402
515 NORTH WASHINGTON AVENUE
SACINAW, MI 48607
(989) 254-2434

TRAVERSE CITY
107 CASE STREET
SUITE E
TRAVERSE CITY, MI 49684
(231) 947-0509

WARREN
30500 VAN DYKE AVENUE
SUITE 206
WARREN, MI 48093
(586) 573-9145

Weinstein, Lisa (Levin)

From: Congressional, Nebraska
Sent: Thursday, March 09, 2006 11:35 AM
To: Weinstein, Lisa (Levin)
Subject: #15192 MI I-485EB YONG YANG A97 614 031

Lisa,

RE: YONG YANG
A97 614 031
I-485, Application to Register Lawful Permanent Residence or Adjust Status
LIN-04-072-52938

The application for a second preference employment visa (EB2) chargeable to China was received by the Service on January 15, 2004. The priority date for visa issue as established by the labor certification accompanying the approved Form I-140, Petition for Alien Worker, LIN-03-257-54318, is March 7, 2002.

Fingerprints were completed in February, however the FBI name check has not yet been completed.

As soon as all administrative requirements have been completed, the case will be sent for officer assignment and adjudication.

Barbara
Congressional Liaison
Department of Homeland Security
US Citizenship and Immigration Services
Nebraska Service Center

3/10/2006

EXHIBIT D

Letters from Senator Debbie Stabenow regarding case status

DEBBIE STABENOW
MICHIGAN

COMMITTEES
AGRICULTURE, NUTRITION, AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
BUDGET

United States Senate

WASHINGTON, DC 20510-2204

April 20, 2006

Mr. Yong Yang
38647 Sturbridge Drive
Sterling Heights, MI 48310

I am writing . . .

. . . in reference to your inquiry about your pending FBI name check.

I have sent a letter to the Federal Bureau of Investigation on your behalf. As soon as I hear back from them, I will let you know their findings.

In the interim, please contact Christina Riley at my Southeast Michigan office at 313-961-4330 if you have additional questions or concerns.

Sincerely,



Debbie Stabenow
United States Senator

DS:cj

District Director

U.S. Department of Homeland Security
333 Mt. Elliott
Detroit, MI 48207



U.S. Citizenship
and Immigration
Services

April 19, 2006

A97 614 031

Honorable Debbie Stabenow
United States Senator
243 W. Congress, Suite 550
Detroit, MI 48226

Dear Senator Stabenow:

Thank you for your inquiry concerning the Application To Register Permanent Residence Or Adjust Status, Form I-485, submitted by Yong Yang.

The I-485 application is currently pending at the Nebraska Service Center. The mandatory name check was requested on January 29, 2004 and still has not cleared. Because it has not cleared, the adjudicating officer is precluded from issuing a decision on the application. Once it does clear, as long as a visa number is available and 15 months have not elapsed since the fingerprints were last taken, it will be possible for the adjudicating officer to issue a decision.

You may wish to contact the Nebraska Service Center directly for adjudication information once the name check does clear.

I trust this is helpful to you.

Sincerely,

Carol Jenifer
District Director

DEBBIE STABENOW
MICHIGAN

AGRICULTURE, NUTRITION, AND FORESTRY
BANKING, HOUSING, AND URBAN AFFAIRS
BUDGET
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-2204

June 9, 2006

Mr. Yong Yang
38647 Sturbridge Drive
Sterling Heights, MI 48310

I am writing . . .

. . . in response to your inquiry regarding your pending FBI name check.

Recently, I received a letter from the Federal Bureau of Investigation in response to your concerns. I have enclosed a copy of the letter, and hope it is helpful in explaining their determination.

Thank you for contacting my office. Please do not hesitate to do so again whenever I can be of assistance to you.

Sincerely,



Debbie Stabenow
United States Senator

DS:C2

A review of the Federal Bureau of Investigation's Name Check Program database concerning Yong Yang revealed that a request was received from the United States Citizenship and Immigration Services (USCIS) on 01/29/2004, and is currently in a pending status.

While an exact date for completion of this review cannot be given, please be assured that the results will be made available to the immigration authorities as expeditiously as possible. The FBI is sensitive to the impact of the delays in processing name check requests. At the same time, the consequences of the FBI's mission on homeland security requires that our name check process be primarily focused on an accurate and thorough result. This means that there are instances when the FBI's review of a name check request must require as much time as needed to obtain an unequivocally correct result.

Sincerely,
National Name Check Program Section
Records Management Division
Federal Bureau of Investigation

EXHIBIT E

USCIS Letter regarding case status inquiry

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Tuesday, April 18, 2006

YONG YANG
38647 STURBRIDGE DR
STERLING HEIGHTS MI 48310

Dear YONG YANG:

On 04/17/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/15/2004
Receipt #:	LIN-04-072-52938
Beneficiary (if you filed for someone else):	YANG, YONG
Your USCIS Account Number (A-number):	A097614031
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Based on your request we researched the status of this case. We are actively processing this case. However, we have to perform additional review on this case and this has caused a longer processing time. If you do not receive a decision or other notice of action from us within 6 months of this letter, please call customer service at the number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT F

USCIS Letter regarding case status inquiry

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Tuesday, August 15, 2006

YONG YANG
38647 STURBRIDGE DR
STERLING HEIGHTS MI 48310

Dear YONG YANG:

On 08/14/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/15/2004
Receipt #:	lin-04-072-52938
Beneficiary (if you filed for someone else):	YANG, YONG
Your USCIS Account Number (A-number):	A97614031
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT G

**Letters from the Office of Congressman Sander Levin
regarding case status**



Print - Close Window

From: "Hughes, Erin" <erin.hughes@mail.house.gov>
To: "hyyz@yahoo.com" <hyyz@yahoo.com>
Subject: Name Check
Date: Fri, 1 Sep 2006 16:11:51 -0400

Dear Mr. Yang:

Thank you for your e-mail regarding the delays you and your wife are experiencing with the FBI's name check process. Unfortunately, there is very little our office can do in terms of gathering information about pending name checks or finding a time line in which they should be processed. I faxed a letter to the FBI to ask for a status update, however, and our office will contact you if any information is received.

I cannot imagine how frustrating this is for you and your wife and regret that more information cannot be provided at this time. I will be leaving the office today, so please direct any follow-up inquiries to (586) 498-7122 in lieu of responding to this e-mail.

Regards,
Erin Hughes
Office of Congressman Sander Levin

27085 Gratiot Avenue
Roseville MI 48066
586.498.7122
586.498.7123 fax
erin.hughes@mail.house.gov

EXHIBIT H

Letter from Senator Carl Levin regarding name check status

CARL LEVIN
MICHIGAN

RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2202
(202) 224-6221

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

United States Senate
WASHINGTON, DC 20510-2202

November 21, 2006

Mr. Yong Yang
38647 Sturbridge Drive
Sterling Heights, MI 48310

Dear Mr. Yang:

I am writing to provide you with information regarding your concerns with the U.S. Citizenship and Immigration Services (USCIS).

According to the USCIS, your application is on hold until it receives the results of the mandatory Federal Bureau of Investigation (FBI) name check. My staff contacted the FBI and verified that your case is still pending. Please note that the FBI is working to process all name check requests as quickly as possible; however, some cases are taking at least one year to resolve. Unfortunately, I am unable to expedite name checks. I have been assured that the USCIS will contact you when it is able to proceed with your case.

I realize this is disappointing and regret that I cannot provide a more favorable response. Should you have concerns regarding the federal government in the future, please do not hesitate to contact my office once again.

Thank you for sharing this matter with me.

Sincerely,



Carl Levin

CL/jf

STATE OFFICES

DETROIT
477 MICHIGAN AVENUE
SUITE 1800
DETROIT, MI 48226
(313) 226-6020

FISCANABA
524 LUDINGTON STREET
SUITE LL 103
FISCANABA, MI 49829
(906) 789-0092

GRAND RAPIDS
FEDERAL BUILDING
SUITE 720
110 MICHIGAN STREET, N.W.
GRAND RAPIDS, MI 49503
(616) 456-2531

LANSING
124 WEST ALIFRAN STREET
SUITE 1810
LANSING, MI 48933
(616) 377-1508

SAGINAW
ROOM 402
515 NORTH WASHINGTON AVENUE
SAGINAW, MI 48607
(909) 764-2494

TRAVERSE CITY
107 CASE STREET
SUITE F
TRAVERSE CITY, MI 49684
(231) 947-9588

WARREN
30800 VAN DYKE AVENUE
SUITE 208
WARREN, MI 48093
(586) 573-9146

EXHIBIT I

USCIS e-mail regarding case status inquiry

YAHOO! MAIL

Print - Close Window

Date: Thu, 07 Dec 2006 12:45:32 -0500 (EST)
From: "CRIS" <USCIS-SRMT@dhs.gov>
Subject: Your recent inquiry (receipt #LIN-04-072-52938)
To: HYYZ@YAHOO.COM

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521

U.S. Citizenship and Immigration Services
Thursday, December 7, 2006

Emailed to HYYZ@YAHOO.COM

Dear M. YANG:

On 12/06/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:
-- The applicant

Attorney Name:
-- Information not available

Case type:
-- I485

Filing date:
-- 01/15/2004

Receipt #:
-- LIN-04-072-52938

Beneficiary (if you filed for someone else):
-- YANG, YONG

Your USCIS Account Number (A-number):
-- A097614031

Type of service requested:
-- Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking.

We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT J

Letters from USCIS Ombudsman regarding case issue

*Office of the
Citizenship and Immigration Services Ombudsman*

U.S. Department of Homeland Security
Mail Stop 1225
Washington, D.C. 20528-1225



**Homeland
Security**

January 5, 2007

Mr./Mrs. Yong Yang
38647 Sturbridge Dr.
Sterling Heights, MI 48310-2955

Dear Mr./Mrs. Yang:

Thank you for your recent inquiry regarding your immigration issue.

Upon receipt of your information, the office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) initiated a formal inquiry with the U.S. Citizenship and Immigration Services (USCIS). USCIS should issue a response to you within forty-five (45) days. If you do not receive a response within this period, please notify our office.

Please be aware that although the office of the CIS Ombudsman collaborates with USCIS, it is an independent entity within the Department of Homeland Security (DHS). The office of the CIS Ombudsman is charged with assisting individuals who experience difficulties with the USCIS benefits process. Additionally, the office of the CIS Ombudsman is dedicated to identifying systemic problems in the immigration benefits process, and to recommending solutions to USCIS. Therefore, the concerns you raised in your letter will be considered as our office develops recommendations to improve USCIS' administrative practices.

Once again, thank you for contacting the office of the CIS Ombudsman, and for giving us the opportunity to serve you.

Sincerely,

Prakash Khatri
Ombudsman

PIK/raa

LAV

EXHIBIT K

Letters from USCIS Ombudsman regarding case status

*Office of the
Citizenship and Immigration Services Ombudsman*

U.S. Department of Homeland Security
Mail Stop 1225
Washington, D.C. 20528-1225



**Homeland
Security**

March 12, 2007

Mr./Ms. Yong Yang
38647 Sturbridge Dr.
Sterling Heights, MI 48310-2955

Dear Mr./Ms. Yang:

Thank you for your recent inquiry to the office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) regarding your immigration issue.

You indicate that you have not received a response from the United States Citizenship and Immigration Services (USCIS) within forty-five (45) days of our inquiry. Therefore, we have initiated a second inquiry that will address this delay. Additionally, we have requested expedited handling of the matter, and a response should be forthcoming.

Once again, thank you for contacting the office of the CIS Ombudsman, and giving us the opportunity to serve you.

Sincerely,

Prakash Khatri
Ombudsman

PIK/bh 



U.S. Citizenship
and Immigration
Services

HQCIS 181/48.2-C

MAR 14 2007

Mr. Yong Yang
38647 Sturbridge Drive
Sterling Heights, MI 48310

Dear Mr. Yang:

Thank you for your letter dated December 15, 2006, to the U.S. Citizenship and Immigration Services Ombudsman (CISO). Your letter concerning your Form I-485, Application to Register Permanent Residence or Adjust Status, was assigned case # 611505 and forwarded to the Customer Assistance Office for a response.

Mr. Yang, after careful review of the concerns addressed in your letter, the Customer Assistance Office was able to obtain status information regarding your adjustment of status case. A check of our records establishes that your Form I-485, Application to Register Permanent Residence or Adjust Status case is not yet ready for decision, as the required investigation into your background remains open. Until the background investigation is completed, we cannot move forward on your case.

Also, our database shows that on December 7, 2006, the Nebraska Service Center responded to you via-e-mail with a response notice on the status of your pending Form I-485, Application to Register Permanent Residence or Adjust Status case. For your records a duplicate copy of the response notice has been submitted with this letter.

These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on your case as soon as the background checks are complete.

We trust that this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Gooding".

Christine Gooding, Supervisor
Customer Assistance Office
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

Enclosures: Fact Sheet, "Immigration Security Checks – How and Why the Process Works"
USCIS Update "USCIS Clarifies Criteria to Expedite FBI Name Check"

EXHIBIT L

USCIS Letter regarding case status inquiry

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Tuesday, February 27, 2007

YONG YANG
38647 STURBRIDGE DR
STERLING HEIGHTS MI 48310

Dear YONG YANG:

On 02/26/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/15/2004
Receipt #:	lin-04-072-52938
Beneficiary (if you filed for someone else):	YANG, YONG
Your USCIS Account Number (A-number):	A97614031
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

EXHIBIT M

Appointment of plaintiffs' USCIS Detroit local office visit



Name: Yong Yang

Appointment Question about case

Type:

Confirmation DET-07-7818

No.:

Appointment May 22, 2007

Date:

Authentication bf7b

Code:

Appointment 9:00

Time: AM

Location: 260 MT. ELLIOT, Detroit, MI 48207; LOBBY

**This is your Confirmation
Number:**



DET-07-7818

**If you wish to cancel this appointment, you will need the
following Personal Identification Number:**

56422

**Please be on time. Failure to show up on time will result in the cancellation of
your appointment. You will then need to reschedule your appointment. You will
not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**

EXHIBIT N

Letters from FBI regarding name check status



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

WH 600112

26 JUL 2007

Mr. Yong Yang
38647 Sturbridge Drive
Sterling Heights, MI 48310

Dear Mr. Yang:

Your letter dated May 23, 2007 directed to Mrs. George W. Bush concerning the name check status of you and your wife, Hui Zhang, for immigration purposes, was forwarded to the Department of Justice and subsequently referred to the Federal Bureau of Investigation (FBI) for reply.

A review of the FBI's Name Check Program database concerning Ms. Zhang revealed that her request was received from the United States Citizenship and Immigration Services (USCIS) on January 29, 2004. This submission was processed and finalized on October 4, 2004. The results were forwarded to the USCIS Headquarters, Washington, D.C.

Your request was also received from the USCIS on January 29, 2004, and is currently in process. The FBI process millions of name check requests each year with each requiring thoughtful consideration. We know how important this information is to you; however, the FBI must also balance the need for national security in preparing the response to each of these requests. The FBI's homeland security mission requires that our name check process be primarily focused on an accurate and thorough result. While an exact date for completion of this review cannot be given, you may be assured that the results will be made available to the immigration authorities as quickly as possible.

I trust this information will be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Cannon", is written over a horizontal line.

For: Michael A. Cannon
Section Chief
National Name Check Program Section
Records Management Division

EXHIBIT O

USCIS Letter regarding case status inquiry

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Tuesday, July 3, 2007

YONG YANG
38647 STURBRIDGE DR
STERLING HEIGHTS MI 48310

Dear YONG YANG:

On 06/19/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	Information not available
Case type:	I485
Filing date:	01/15/2004
Receipt #:	lin-04-072-52938
Beneficiary (if you filed for someone else):	YANG, YONG
Your USCIS Account Number (A-number):	A97614031
Type of service requested:	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

JS 44 (Rev. 11/04)

CIVIL COVER SHEET County in which this action arose _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

YANG, Yong ; ZHANG, Hui

(b) County of Residence of First Listed Plaintiff Macomb
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTSMichael Chertoff,
Emilio T. Gonzalez
Robert S. Mueller, III

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Select One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff) (For Diversity Cases Only)

Cit

Cit

Cit

F

Case: 2:07-cv-14970
Judge: Lawson, David M
Referral MJ: Majzoub, Mona K
Filed: 11-21-2007 At 09:11 AM
CMP YANG ET AL VS DEPT HOMLAND SECUR
RITY ET AL (LH)

(nt)

DEF

3 4

3 5

1 6

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Product Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Select One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1361, 28 USC 1391

Brief description of cause:

Mandamus Action to Compel USCIS to adjudicate green card applications

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11.21.07

[Signature]

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
